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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DAWN LAGOOD,

Case No.

Plaintiff,

v.

COMPLAINT FOR UNLAWFUL
EMPLOYMENT PRACTICES

CONCERO, INC.,

JURY TRIAL DEMANDED

Defendant.

I. JURISDICTION

1. This court has jurisdiction of plaintiff's claim for violation of the Fair Labor Standards Act of 1938 (hereinafter the "FLSA") under 29 USC § 216(b).
2. Jurisdiction is proper over plaintiff's FLSA claims under 28 USC §1331.
3. This court has supplemental jurisdiction of plaintiff's state law claims under 28 USC §1367.

II. PARTIES

4. Plaintiff is a female resident of Clackamas County, Oregon.
5. Defendant, Concero, Inc. is an Oregon corporation engaged in business in

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Multnomah County, Oregon. Defendant is an employer for purposes of 29 USC §203, ORS 659A.001(4)(a), ORS 652.140 and ORS 652.150.

6. Defendant is an enterprise engaged in commerce.

III. FACTUAL ALLEGATIONS

7. Concerco is a privately-held corporation in Portland, Oregon engaged in the business of private health benefits exchange technology. Concerco builds private exchanges on the web and offers a web portal for union payroll reporting. Plaintiff's direct supervisor was Keith Larson. Mr. Larson was a Vice President of Concerco.

8. Plaintiff commenced employment with Concerco in March 2008. Her initial job title was Implementation and Training Specialist. Subsequently, Concerco changed plaintiff's job title to Project Manager.

9. During her employment plaintiff was subjected to a hostile workplace based upon gender by Mr. Larson and Concerco.

10. Mr. Larson subjected female employees, particularly female employees who are assertive, to abusive incidents of rage, yelling, screaming, vulgarities, micro-management and different treatment. Larson treated Ms. LaGood in this abusive manner and Ms. LaGood knew of other women in the workplace who were treated in such an abusive manner.

11. Ms. LaGood reported Mr. Larson's harassment to Concerco's Human Resources on several different occasions and reported his conduct to Concerco's Chief Executive Officer, Mr. Brett Monello. Ultimately, in April 2011, Ms. LaGood filed a workers' compensation claim with Concerco alleging that Mr. Larson's hostile conduct had create a hostile

workplace causing Ms. LaGood emotional distress and resulting in time lost from work.

12. In spite of repeated complaints, Concero failed to effectively remedy Mr. Larson's abusive treatment of Ms. LaGood and other women in the workplace. Mr. Larson continued to engage in such abusive treatment in the workplace. Mr. Larson engaged in a series of abusive outbursts directed at Ms. LaGood shortly before her termination.

13. Defendant terminated plaintiff's employment on November 1, 2013 effective November 2, 2013. Defendant's reasons for terminating plaintiff's employment were a pretext for discrimination and retaliation.

14. Commencing in April 2008 and extending through October 31, 2013, defendant employed plaintiff for workweeks in excess of 40 hours and failed to pay plaintiff for her hours in excess of 40 hours one at one-half times the rate at which she was regularly employed.

15. Commencing on November 1, 2013 and extending through February 24, 2014, the parties entered into an agreement tolling the statute of limitations on plaintiff's overtime claims.

16. As a result of defendant's unlawful conduct, plaintiff has suffered lost wages and lost fringe benefits through trial, and prejudgment interest on lost wages and benefits. Plaintiff is entitled to an order reinstating her employment or in the alternative an award of lost future wages and fringe benefits through her expected retirement date in an amount to be determined at trial.

17. As a result of defendant's unlawful conduct, plaintiff has suffered mental

and emotional distress and compensatory damages in an amount to be determined at trial.

18. Defendant's actions in subjecting plaintiff to a hostile workplace and subjecting plaintiff to an unlawful termination were in deliberate disregard of plaintiff's employment rights. Plaintiff is entitled to an award of punitive damages in an amount to be determined at trial.

19. Plaintiff is entitled to an award of overtime compensation for hours worked in excess of 40 hours at one and one-half times plaintiff's regular rate of pay.

20. Defendant's violation of the FLSA was willful. As a result, plaintiff is entitled to a liquidated damages penalty equal to lost wages and benefits and in an amount to be determined at trial.

21. Defendant failed to pay plaintiff all wages due upon termination. Defendant's failure to pay plaintiff all wages due upon termination was willful.

IV. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

33. Plaintiff incorporates by reference paragraphs 1 through 21.

34. Defendant violated ORS 659A.030 by subjecting plaintiff to a hostile work environment based upon gender and by terminating plaintiff's employment because of her gender.

SECOND CLAIM FOR RELIEF

35. Plaintiff incorporates by reference paragraphs 1 through 21.

36. Defendant violated ORS 659A.030(1)(f) by terminating plaintiff in

retaliation for her complaints of a hostile workplace.

THIRD CLAIM FOR RELIEF

37. Plaintiff incorporates by reference paragraphs 1 through 21.

38. Defendant failed to compensate plaintiff for overtime hours worked in violation of 29 USC §§ 207(a) and 216(b).

39. Plaintiff is entitled to a liquidated damages penalty in an amount equal to plaintiff's overtime wages because of defendant's willful violation of the law.

FOURTH CLAIM FOR RELIEF

40. Plaintiff incorporates by reference paragraphs 1 through 21.

41. Defendant failed to pay plaintiff all wages due upon termination in violation of ORS 652.140.

42. Plaintiff is entitled to a liquidated damages penalty in an amount equal to 30 days of pay under ORS 652.150.

V. RELIEF

WHEREFORE, plaintiff requests that the court assume jurisdiction and grant judgment as follows.

1. An award of lost wages and fringe benefits, and prejudgment interest through trial in an amount to be determined at trial;
2. An order reinstating plaintiff's employment or in the alternative an award of lost future wages and fringe benefits through retirement in an amount to be determined at trial;
3. An award for mental and emotional distress and other compensatory

damages in an amount to be determined at trial;

4. An award of punitive damages in an amount to be determined at trial.

5. An award of overtime compensation for hours worked above 40 hours per week at a rate one and one-half times plaintiff regular rate of pay.

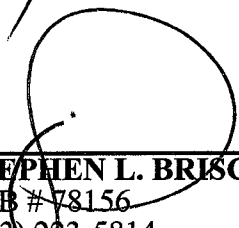
6. A liquidated damages penalty in an amount equal to plaintiff's lost overtime pay;

7. An award of 30 days penalty wages for defendant's failure to pay all wages due upon termination.

8. An award of costs and reasonable attorney fees; and,

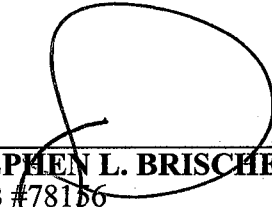
9. All other fit and proper relief.

DATED this 25th day of February, 2014.



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Plaintiff requests trial by jury.



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